

REMARKS

Entry of this amendment is requested.

Applicants previously elected group I (claims 1-7) and further elected the peptide consisting of SEQ ID NO: 1. Based on this election claims 1, 3, and 6-7 were examined. Applicants note that at page 2 of the Office Action, the Examiner states the peptide consisting of SEQ ID NO: 7 was elected. Applicants presume this is a typographical error as the remainder of the Office Action references SEQ ID NO: 1. If this is not correct, the Examiner is requested to clarify the issue.

The Examiner notes that the specification references drawings, but that the application as filed does not contain these drawings. The Examiner also objects to pages 1, 9, and 17 for not containing page numbers at the bottom.

The instant application was filed under 35 USC 371, based on PCT/US2003/0233306. In the transmittal letter, Applicants indicated that a copy of the International Application as filed was not required, as the application was filed in the United States Receiving Office. Applicants further note that the PCT application was amended on October 22, 2004 in response to an Invitation to Correct Defects. Applicants filed a replacement specification which eliminated references to the figures, and contained numbered pages. A copy of the Response, along with the replacement specification is attached, along with a copy of the return receipt stamped postcard indicating receipt by the US PCT office.

Since the amendments to the PCT application were filed before the present U.S. application, Applicants maintain that the revised specification should have been transmitted to the USPTO. The attached version of the specification is the correct one, and should be used for examination purposes. As such, Applicants believe amendments to address the Examiner's objections are not required.

The Examiner rejected claims 1, 3, 6 and 7 as indefinite under 35 USC § 112, second paragraph. The Examiner argues that it is not possible for the peptide of SEQ ID NO: 17 to consist of SEQ ID NO: 1. Applicants believe that the Examiner has misinterpreted the claim. The claim has been amended to clarify that the claimed peptide does not consist of SEQ ID NO: 17. Reference is only made to SEQ ID NO: 17 in order to describe the cytolytic T cell.


The Examiner also states that the invention of claim 1 is unclear and not clearly defined in the specification. Applicants direct the Examiner to Examples 6 and 7 which indicate that SEQ ID NO: 1 is similar to SEQ ID NO: 17, and that SEQ ID NO: 1 shows levels of T cell recognition equal to SEQ ID NO: 17. Further, SEQ ID NO: 17 is known to bind to HLA-A2 and it is known in the art that HLA-A2 is a type of MHC molecule. As such, Applicants maintain that one of skill in the art would readily understand the claimed invention.

The Examiner also objected to claims 1, 3, 6 and 7 for using the abbreviations MHC and HLA, without first using the full names. Although Applicants maintain that one of skill in the art would recognize these terms, the claims have been amended to recite the full names.

Based on the foregoing, Applicants believe this application is in condition for allowance and respectfully request the same. No fees are believed due with this correspondence, however, authorization is hereby given to charge any fees due to Deposit Account 50-0624.

Respectfully submitted,

Fulbright & Jaworski L.L.P.

By 

Norman Hanson

Registration No.: 30,946

Attorneys for Applicant

666 Fifth Avenue
New York, New York 10103
(212) 318-3000
(212) 318-3400 (fax)

CASE # LUD 5739 PCT
(10308723)

Intern. Appl. No.
PCT/US2003/023306

MAILED: October 22, 2004

Due: Nov. 27, 2004

The stamp of the Patent Office hereon may be taken as acknowledgment of receipt, on the date stamped, of the following:

1. Response to Invitation to Correct Defects in the International Application
2. Replacement Specification Pages 8-16 and 18
3. Revised Paper Copy of Sequence Listing
4. Computer Readable Copy of Sequence Listing
5. Copy of Invitation to Correct Defects dated 9/27/04
6. Statement Pursuant to 37 CFR 1.823(b)

Express Mail No. EV 331561967 US

DT02 Rec'd PCT/PTO 22 OCT 2004